

E-FILED on 05/05/08

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

CYGNUS TELECOMMUNICATIONS  
TECHNOLOGY, LLC,

Plaintiff,

v.

AMERICAN INTERNATIONAL  
TELEPHONICS, LLC,

Defendant.

Case No. MDL-01423 RMW

Case No. C-06-03843

ORDER<sup>1</sup> GRANTING MOTION TO SET  
ASIDE THE ENTRY OF DEFAULT AND  
DENYING MOTION FOR DEFAULT  
JUDGMENT


On February 14, 2008, Defendant American International Telephonics, LLC, ("AIT") filed a motion to set aside the default entered by the clerk against it on October 9, 2007. On February 22, 2008, Plaintiff Cygnus Telecommunications Technology, LLC ("Cygnus") filed a cross-motion for default judgment. Both motions are opposed. The Court heard oral argument on May 2, 2008. Because AIT was never properly served in the instant case, the motion to set aside the default is

<sup>1</sup> This disposition is not designated for publication and may not be cited.

1 GRANTED. Cygnus is given ten days from the date of this order to amend its complaint and to  
2 commence service on AIT. Because the entry of default is set aside, the cross motion for default  
3 judgment is DENIED.

4  
5 IT IS SO ORDERED.

6  
7  
8 DATED: May 5, 2008

  
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RONALD M. WHYTE  
United States District Judge

United States District Court  
For the Northern District of California

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8 Counsel are responsible for distributing copies of this document to co-counsel that have not  
9 registered for e-filing under the court's CECF program.

10 **Dated:** 5/5/08

/s/ JSS

**Chambers of Judge Whyte**

